

SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 8

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P08/W0168
APPLICATION TYPE	FULL
REGISTERED	11.02.2008
PARISH	BENSON
WARD MEMBER(S)	Mr Felix Bloomfield Mrs Susan Cooper
APPLICANT	GAP Associates LLP
SITE	31 High Street Benson
PROPOSAL	Erection of two storey side extension, conversion of existing shop unit to two units. Conversion of existing flat to form 5 units.
AMENDMENTS	As amended by letter and drawings received from the Agent dated 19th March 2008.
GRID REFERENCE	461954/191773
OFFICER	Mrs K Gould (W)

1.0 INTRODUCTION

- 1.1 This application is to be considered by Planning Committee because the views of the Parish Council differ from the officer recommendation.
- 1.2 No 31 High Street Benson is large detached property located in the heart of Benson within the Benson conservation area. At ground floor there is currently a large, vacant retail unit which was formerly a DIY shop and a large 4/5 bed flat at first floor. The retail unit has been closed for several years. There is a large single storey extension attached to the property used for storage.
- 1.3 There is a large garden to the rear of the property and a gravel and concrete driveway. Vehicular access is directly off High Street. A location plan of the site is **attached**.
- 1.4 A similar planning application was refused last year – ref P07/W1243. A copy of the decision notice relating to this proposal is **attached**.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for a two storey side extension, the conversion of the existing shop unit to two units and the conversion of the existing flat to 5 residential units.
- 2.2 The two storey side extension would provide 2 x two bed flats. The existing retail unit would be subdivided into two, one for an A1 shop and one for an A2 office use. The internal space on the first and second floors would be altered to create three flats – a bedsit, a one bed flat and a two bed flat.

2.3 Eight car parking spaces in total are proposed at the rear of the premises. Two spaces currently are provided. A copy of the submitted plans and the Design and Access Statement is **attached**.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 Area Liaison Officer – Initial comments were to recommend refusal to the proposal on the grounds that the proposed parking layout was impractical and the width of the access way serving the rear parking area. On further consideration, this recommendation has been withdrawn and no objections are being raised on highway grounds. Visibility at the existing access to serve the site meets the minimum standards set out by government guidance for a sit in this location. A refusal on highway grounds only is not sustainable/ defensible on appeal. A copy of the Highway officer's comments in full are **attached**.

Conservation Officer (SO) – No Objection to amended plan. The extension is now acceptable as it is set in from and subservient to the existing building.

Monson Engineering Ltd. – The site is within Flood Zone 3 and Environment Agency guidance is relevant.

Forestry Officer – The proposed parking will result in the loss of existing vegetation. These losses will not have a significant impact outside the site and can be compensated for with new planting providing a landscaping condition is attached. Existing mature Yew, Beech and Hawthorn need to be surveyed and plotted on the proposed layout – plan awaited.

Benson Parish Council – Refuse. Insufficient parking and access is limited and dangerous with very limited visibility when exiting across the footway. An application which addresses these defects might be viewed more favourably.

Bensington Society – No objection in principle to the proposed development – wish to see the flint wall in front of the building retained, parking spaces to the rear of the property will put pedestrians at risk, residents of 31 High Street will park in adjacent shopping car park making it more difficult for shoppers to park and take trade elsewhere, plain front elevation proposed, wish to see the retail outlets retained for a minimum of 10 years to avoid being converted to residential.

Neighbour 1 – Objection – proposal would change the nature, function and appearance of the building, detract from the character of the village and is ill thought out in terms of the effect on car parking, light and space, loss of light to properties opposite, proposed shop units are too small.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P07/W1243 – Demolition of single storey extensions. Erection of two storey side extension, conversion of ground floor shop unit to two units. Conversion of existing flat to form 5 units – Planning permission refused 21 Dec 2007. Appeal lodged 7 March, 2008.

5.0 **POLICY & GUIDANCE**

- 5.1 South Oxfordshire Local Plan policies: (SOLP)
- G2 Protection and enhancement of the environment.
 - G6 Promoting good design
 - C9 Landscape features
 - CON 6/7 Proposals affecting a conservation area.
 - EP5 Flood Risk
 - D1 Local distinctiveness
 - D2 Vehicle and bicycle parking.
 - D8 Energy, water and materials efficient design.
 - H11 The subdivision of dwellings and multiple occupation.
 - H7 Range of dwelling sizes and types.
 - CF1 Community facilities and services.
 - T1/2 Transport requirements for new dwellings.

South Oxfordshire Design Guide

PPG 15

PPS 3

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issues to be considered in the determination of this planning application are:

- i Whether the principle of additional residential development is acceptable
- ii Whether the current proposal overcomes the objections raised to the previous scheme :
 - Impact on the occupiers of no 35 High Street
 - Inappropriate design of the extension
 - Inadequate provision on street parking
- iii Access
- iv Trees
- v Sustainable features

Principle

- 6.2 Benson is one of the larger villages within the District which has a good range of facilities and is serviced by a good public transport system. As such, the principle of providing more housing in Benson is acceptable. (policy H5 SOLP) In addition the principle of subdividing the existing first floor flat into smaller units is acceptable under policy H11 of the SOLP, as the site lies within the built up area of one of the larger settlements in the District.

Reasons for refusal of previous scheme

- **Impact on neighbours**

6.3 Impact on neighbours was a reason for refusal on the previous scheme. The property most affected by this proposal is the newsagent shop at no 35 High Street. The first floor of this building is a residential flat. The first floor windows in the flat which face the proposed extension are a bedroom and living room window. In the refused scheme the first floor side windows of flat 2 were considered by your officers to be unneighbourly. In the current proposal, this concern has been addressed by proposing a high level kitchen window and an obscure glazed bathroom window and by pulling the two storey extension away from the boundary with no 35 High Street resulting in a minimum distance of 4m between the 2 properties. As such, there would be no direct overlooking into the main habitable rooms above the newsagents and the extension would no longer be overbearing or oppressive. The single storey lean to storage area currently abuts the boundary with the newsagents. By adding a two storey extension to the building, the residential amenity of the occupants of the newsagents flat will be adversely affected as it will be more prominent than the existing single storey structure. However, given the distances involved and the lack of any direct overlooking, this reduction in residential amenity is not sufficiently harmful to warrant a refusal of planning permission.

- **Design of the extension**

The refused scheme had an 18m frontage without any form of setback and resulting in an incongruous feature in the streetscene. The result of this poor design was that it adversely affected the character of the locality and that of the Benson conservation area. The current proposal has been amended by setting the extension back by 0.6m to the front and rear and by reducing its width. The overall width of the extended building would be 11.8m with the extension representing approximately 30% of this width. As such, the extension would appear subservient to the main building. The materials for the extension would match those on the existing building and the attractive brick and flint wall running along part of the front elevation would be retained. It is your officer's view that the proposed extension is now appropriately designed which would preserve and enhance the character and appearance of the Benson conservation area.

- **Parking**

The refused scheme made inadequate provision for off street parking. The current scheme has provided an additional off street parking space to the rear of the building, providing 8 in total. When originally submitted, one of the retail/office units had a car parking space allocated to them. In reconsidering the proposal, the OCC highway officer has advised that, as the existing retail unit had no allocated parking, it was unnecessary for the proposed 2 smaller units to have specified parking. As a result, all 8 spaces are now allocated for the occupiers of the flats and the County Highway Officer has confirmed that this arrangement is now satisfactory in highway terms.

Access

6.4 There is an existing access directly off High Street down the western side of the property and parking is currently available to the rear on a gravelled surface. The Parish Council are concerned about the lack of visibility at the access and the lack of parking. Whilst the OCC highway officer does sympathise with this view and has tried to negotiate improved visibility at the access, he has confirmed that the proposed access meets Government standards for such developments. Whilst he would like to see some improvement in the visibility at the access to the site, an improvement is not essential to satisfy the requirements of the Highway Authority. The issue of improving the visibility at the access has been discussed and considered by your officers and the applicant.

Unfortunately, increasing the width or visibility at the access is not an option as walls on either side of the property including that of the electricity station are designated in the Benson Conservation Area study as being important features and therefore can not be removed. An alternative access was discussed informally with your officers which proposed entering the site from the College Farm car park by knocking through the boundary fence between the car park and no108 High Street. Whilst this may improve visibility it would bring the access closer to the occupiers of College Farm and harm the special character of the conservation area. The proposed access arrangements for this development are acceptable and accord with policies T1 and T2 of the SOLP. Any refusal of planning permission on highway grounds would not be defensible at appeal in your officer's opinion.

Trees

- 6.5 None of the trees on the site are protected by a Tree Preservation Order but they are protected by their location within the conservation area. The forestry officer has raised no objection to this proposal. He has requested a tree protection and an arboricultural method statement as conditions and these are recommended. In addition he has requested that the 3 mature trees on the site – a Yew, Beech and Hawthorn, are plotted on the proposed layout so that the implications of the proposals can be properly assessed. This has been requested and a plan is expected prior to the Committee meeting when your officer will update you on this issue.

Sustainable features

- 6.6 Policy D8 of the SOLP requires all new development to demonstrate high standards in the conservation and efficient use of energy, water and materials through its siting, landscaping, building design, use of materials, layout and orientation of buildings. This proposal is the conversion and extension to an existing building so the opportunity to incorporate some of these features is not as great as on a new build. However, the applicant's agent has confirmed that he intends to reach Code Level 3. Composting, water butts will also be used and the roof will use Pavatex insulation boards which are designed to reduce CO₂ emissions into the atmosphere.

7.0 CONCLUSION

- 7.1 This current planning application does address the concerns and reasons for refusal on the earlier application. The proposed access is acknowledged by your officers as not being ideal due to the relatively poor visibility at this point. However, without any technical evidence to support a reason for refusal on the access arrangements, it will not be possible to defend a refusal of planning permission at appeal. As the County Highway Authority has confirmed that the access and parking does comply with minimum standards set out by government guidance, no objection to the proposal is being raised on highway grounds. The proposal accords with Development Plan policies.

8.0 RECOMMENDATION

8.1 That planning permission is approved subject to the following conditions:

- 1. Commencement 3 yrs - full planning permission.**
- 2. Obscure glazing on bathroom window.**
- 3. Landscaping to be submitted to and approved.**
- 4. Tree protection.**
- 5. Arboricultural method statement to be submitted.**

Author Mrs K Gould
Contact No. 01491 823754
Email Add. planning.west@southoxon.gov.uk